

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
VINOD PATEL,

Petitioner,  
-against-

D. MARTUSCELLO, SUPERINTENDENT,

Respondent.

-----X  
AMON, Chief United States District Judge:

NOT FOR PUBLICATION  
**MEMORANDUM & ORDER**  
10-CV-5695 (CBA)

Vinod Patel, who has petitioned the Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, requested that the Court appoint counsel to represent him in his federal habeas proceedings. On May 9, 2011, this Court issued an order denying Patel's motion. Patel moves for reconsideration of that order.

A motion for reconsideration brought pursuant to Local Rule 6.3 "will only be granted if the moving party presents factual matters or controlling decisions the court overlooked that might have materially influenced its decision." Ocello v. City of New York, 2008 WL 2827424, at \*5 (E.D.N.Y. 2008) (citing Pereira v. Aetna Cas. & Sur. Co., 921 F. Supp. 1121, 1123 (S.D.N.Y. 1996)). "A motion for reconsideration may not be used to advance new facts, issues or arguments not previously presented to the Court, nor may it be used as a vehicle for relitigating issues already decided by the Court." Montblanc-Simplo GmbH v. Colibri Corp., 739 F. Supp. 2d 143, 147 (E.D.N.Y. 2010) (quoting Davidson v. Scully, 172 F. Supp. 2d 458, 461 (S.D.N.Y. 2001)).

Patel argues that the Court made various factual errors in its order denying his motion for appointment of counsel, and also argues that the Court may have overlooked certain documents in the record. The Court has reviewed Patel's motion papers and concludes that Patel has not

presented any factual or legal matters that were overlooked by the Court that would have altered its decision to deny Patel's request for counsel. Accordingly, the motion for reconsideration is denied.

SO ORDERED.

Dated: Brooklyn, New York  
February 28, 2012

/s/  
Carol Bagley Amon  
United States District Judge